

### SECTION III—REMARKS

This election and amendment is in response to the Office Action mailed 10 September 2007.

#### Actual/Intended Restriction

In the Office Action, the claims were restricted into three groups that the Examiner asserts are drawn to patentably distinct inventions:

- I. Group I, comprising claims 1-14 and drawn to a capillary pump loop cooling system.
- II. Group II, comprising claims 15-26 and drawn to a condenser. Within group II, the Examiner asserts that there are two patentably distinct species: species I, shown in Figures 2A, 2B and 2C; and species II, shown in figures 3A and 3B.
- III. Group III, comprising claims 27-31 and drawn to an evaporator. Within group III, the Examiner asserts that there are three patentably distinct species: species I, shown in Figures 4A, 4B, 4C and 4D; species II, shown in figures 6A and 6B; and species III, shown in figures 7A and 7B.

The Examiner accurately notes that claims in group II are drawn to a condenser, but the two species identified by the Examiner within group II (figures 2A-2C and figures 3A-3B) are evaporators (see brief description of the drawings on pages 4-5 of the specification). Similarly, the Examiner accurately notes that claims in group III are drawn to an evaporator, but the three species identified by the Examiner within group III (figures 4A-4D, figures 6A-6B and figures 7A-7B) are condensers. Applicants therefore believe that the restriction intended by the Examiner was as follows:

- I. Group I, comprising claims 1-14 and drawn to a capillary pump loop cooling system.
- II. Group II, comprising claims 15-26 and drawn to a condenser. Within group II, the Examiner asserts that there are three patentably distinct species: species I, shown in Figures 4A, 4B, 4C and 4D; species II, shown in figures 6A and 6B; and species III, shown in figures 7A and 7B.
- III. Group III, comprising claims 27-31 and drawn to an evaporator. Within group III, the Examiner asserts that there are two patentably distinct species: species I, shown in Figures 2A, 2B and 2C; and species II, shown in figures 3A and 3B.

Based on the restriction Applicants believe the Examiner intended, Applicants' have elected group II. Within group II, Applicants provisionally elect species I (figures 4A-4D). Claims reading on species I include new claims 33-42 (see below). Both elections are made without traverse.

If the Examiner did not intend the restriction on which Applicants have based their election, Applicants respectfully request that the Examiner issue another restriction that clarifies the intended groups and species.

#### Prior Preliminary Amendment

Applicants note that the claims of Groups I and III were canceled by a preliminary amendment filed with the application, so the restriction in this application should be limited to the species restriction within Group II. Nonetheless, Applicants have hereby elected, without traverse, to prosecute the invention of Group II. Within Group II, Applicants provisionally elect species I.

New Claims to Correct Claim Numbering

Applicants note that the claims within elected group II are incorrectly numbered: there are two claims numbered 18 and two claims numbered 19. Therefore, although the Examiner refers to group II as including claims 15-26, Applicants believe what the Examiner actually means is that group II includes the fifteenth through the twenty-sixth claims in the claim listing.

To remedy this incorrect claim numbering, Applicants have canceled all claims in the application and have added new claims starting from 31 (the number following the highest claim number previously used) and going to 42. The text of new claims 31-42 is similar to that of the fifteenth through the twenty-sixth claim in the claim listing. New claims 31-42 are therefore identical to the claims in elected group II. Within new claims 31-42, claims 33-42 read on elected species I.

Consideration of the elected claims is respectfully requested.

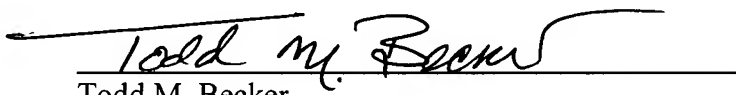
Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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